

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LISAMARIA MARTINEZ,

Plaintiff,

v.

COUNTY OF ALAMEDA, et al.,

Defendants.

Case No. 20-cv-06570-TSH

**ORDER DENYING DEFENDANT'S  
OBJECTION AND MOTION TO  
STRIKE SUR-REPLY, REQUIRING  
SUPPLEMENTAL BRIEFING, AND  
CONTINUING JANUARY 5, 2023  
HEARING**

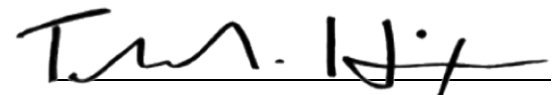
Re: Dkt. No. 66

On December 22, 2022, Plaintiff filed a Sur-Reply that moved to strike Defendant's Motion for Summary Judgment and exclude the allegedly new facts listed in Defendant's Supplemental Statement of Uncontroverted Facts. ECF No. 65. According to Plaintiff, the allegedly new facts were not properly disclosed in discovery and are prohibited under Federal Rule of Civil Procedure ("FRCP") 37(c). *Id.* at 3. Defendant filed an Objection and Motion to Strike Plaintiff's Sur-Reply on December 28, 2022. ECF No. 66.

The Court will consider the arguments set forth in Plaintiff's Sur-Reply. Accordingly, the Court **DENIES** Defendant's Objection and Motion to Strike. Defendant shall file a supplemental brief responding to Plaintiff's Sur-Reply by January 19, 2023. Defendant's supplemental brief is limited to ten pages and should address Plaintiff's FRCP 37(c) argument. The January 5, 2023 hearing on the parties' Motions for Summary Judgment is continued to February 9, 2023 at 10 a.m. by Zoom video conference.

**IT IS SO ORDERED.**

Dated: December 29, 2022



THOMAS S. HIXSON  
United States Magistrate Judge